

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on March 11, 1999 at 3:20 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)

Members Excused: Sen. Ric Holden, Vice Chairman (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:

Executive Action: HB 129 HB 187 HB 561 HB 601
HJR 25

EXECUTIVE ACTION ON HB 561

Motion/Vote: SEN. STANG moved that HB 561 BE CONCURRED IN.
Motion carried 11-0.

EXECUTIVE ACTION ON HB 601

Motion: SEN. STANG moved that HB 601 BE CONCURRED IN.

Motion: SEN. STANG moved that AMENDMENT HB060101.ACE DO PASS.

Discussion:

SENATOR STANG described what he thought the amendment would do.
EXHIBIT (his55a01)

Connie Erickson explained the amendment.

SENATOR STANG, said he felt this was a good compromise for everyone out there. It still would leave a little control and supervision regarding which course would be taught.

SENATOR TOWES, said he understood that if you were giving the course you could actually write the license, and all they would have to do was have their eyes checked and their picture taken. He wondered if he was correct in that assumption.

SENATOR STANG, said he believed some drivers training people were not certified to do that and some were.

SENATOR MOHL, asked for clarification on the previous statements.

SENATOR STANG, explained that if you took the class from a person who has been qualified by the State of Montana, you then did not have to take the driving or written test. It was given to you at the time you pass or fail drivers training. If you failed drivers training then you would have to take the test at the Department of Motor Vehicles. He continued that the purpose of that law was to reduce the cost of the drivers license stations. He said this reduced the congestion that was present every year when a drivers training class let out.

SENATOR JERGESON, confirmed what SENATOR STANG had said.

Vote: Motion carried 9-0.

Motion: SEN. TOEWS moved BILL AS AMENDED.

Discussion:

SENATOR COLE, said he would not vote for the bill even though the amendment had helped the bill somewhat. He believed there was no need for the bill and the problems could be worked out without the bill.

SENATOR ROUSH, said for a point of information it was his understanding that this bill would only address the span of 15 to 16 years of age.

Connie Erickson, said that was correct.

SENATOR ROUSH, said he knew there were some isolated cases that were concerns to him. He agreed with **SENATOR COLE**, that a can of worms was being opened. He had some problems with the bill.

Motion/Vote: SEN. ROUSH moved that HB 601 BE TABLED. Motion carried 7-3.

EXECUTIVE ACTION ON HJR 25

Motion: SEN. JERGESON moved that HJR 25 BE CONCURRED IN.

SENATOR JERGESON, explained what the resolution did.

SENATOR MOHL, asked if this would include a country school along the highway? He also thought this was covered in SB 133, the speed limit bill.

Connie Erickson, said this resolution just encouraged local governments to set limits of 15 mph in school zones.

SENATOR TOWES, said he concurred with 15 mhp but it was a local issue and did not see the need for the resolution.

SENATOR COLE, said he agreed with **SENATOR TOWES**.

SENATOR DEPRATU, said he wasn't there during the hearing and asked for comments.

SENATOR STANG, explained there had been only one proponent. He maintained that they could have given better testimony, but because of the late hour, out of courtesy to the Senators just

stated support. He said it would not hurt anything to send the bill out. He affirmed there were no opponents.

Substitute Motion/Vote: SEN. TOEWS made a substitute motion that HJR 25 BE TABLED. Substitute motion failed 5-6.

Vote: Motion carried with Hertel, Jergeson, and Toews voting no.

EXECUTIVE ACTION ON HB 187

Motion: SEN. COLE moved that HB 187 BE CONCURRED IN.

Motion: SEN. COLE moved that HB 187 BE AMENDED.

SENATOR COLE, explained what his amendment would do.

EXHIBIT(his55a02)

Connie Erickson, stated page two of the bill said the Department, the local authority, the utility company or the private contractor, shall post signs that indicate the boundaries of the construction zone and the work zone. She explained that was current law. She said she was unsure exactly what this amendment would do other than emphasize they should put signs up.

SENATOR MOHL, said the contractor could not put up signs unless they were authorized by the Department of Transportation.

SENATOR STANG, asked the chairman if the contract told what kind of signs and how many signs had to be erected. He said he was amazed that these signs were not already in the contract, and asked if they were in the contract.

SENATOR STANG, said they followed the uniform traffic code. He contended that each time the signs were moved the Department had to pay the contractor. He explained that was why the signs covered such a large area.

SENATOR ROUSH, asked if they couldn't cover the signs instead of moving them.

SENATOR MOHL, said that could be done when construction was not in progress.

SENATOR STANG, asked if they couldn't do a portable sign that said "work zone 35 MPH."

SENATOR MOHL, said that could be done with a series of signs.

SENATOR STANG, asked what kind of costs would be added to have those signs.

SENATOR MOHL, said if it were legal to do that, the cost would be minor. He said if the whole series of signs were moved you would double or triple the cost. He maintained that it was not unusual to spend a million dollars on traffic control.

SENATOR COLE, said this amendment would help with that.

SENATOR STANG, said that in other states he had seen signs that said "fines double in work zone" and then signs that defined the work zone, and when you left there was a sign that said "leaving work zone".

SENATOR MOHL, said he could understand everything that had been said but you had to be careful when it came to the safety of the motorists and who was liable for accidents.

Vote: Motion carried 10-0.

Motion/Vote: SEN. STANG moved that HB 189 BE CONCURRED IN AS AMENDED. Motion carried 11-0.

EXECUTIVE ACTION ON HB 129

Motion: SEN. DEPRATU moved that HB 129 BE CONCURRED IN.

Motion: SEN. DEPRATU moved that HB 129 BE AMENDED.

SENATOR COLE, explained that the sponsor had asked if there was a possibility of waiting to take action on this bill.

{Tape : 1; Side : B; Approx. Time Counter : 401; Comments : turn tape over}

SENATOR MOHL, said the amendments would go back to the House and the sponsor would have the opportunity to deal with them there if he did not like them. He decided to go ahead with the executive action.

Connie Erickson, explained the amendment. **EXHIBIT(his55a03)**

SENATOR DEPRATU, asked if a tow truck operator or ambulance would then be considered a highway worker.

Connie Erickson, said they wouldn't necessarily be considered a highway worker, but if someone violated the section they would be punished in the same manner as someone who endangered a highway worker.

SENATOR COLE, asked **Milo Casagrande** if he could explain how he saw the last amendment.

Milo Casagrande, said they were concerned because in many cases they responded not only to accidents but to emergencies, such as semitrucks out of fuel or flat tires. He maintained they were confused about what the amendment would do.

SENATOR MOHL, said he believed it was covered, because it said "immediate hazard".

SENATOR COLE, said that would be covered under "or an emergency".

Vote: Motion **carried unanimously.**

Motion: **SEN. DEPRATU** moved that **HB 129 BE CONCURRED IN AS AMENDED.**

SENATOR STANG, said that he did not have a problem with volunteers or paid emergency workers having limited liability, but he might have a problem limiting the liability of someone who was in the business of being out on the highway.

SENATOR DEPRATU, said he disagreed with **SENATOR STANG**, referring to the tow truck operators on this standpoint. He believed that the tow trucks were under the same stress and quite often had to make decisions just as quickly to make the area safer for oncoming traffic. He said a lot of times the tow truck driver and the ambulance are ahead of law enforcement. He maintained that their lights and actions might be the only thing providing safety at that time. He thought that no matter who was paying, you were working under the same circumstances and should be treated equally in that particular case.

SENATOR MOHL, commented this would not open it up for people to be excluded from lawsuits altogether. He wanted to make sure the people who were trying to help were protected, but those people who might be causing hazards were still liable for their actions.

SENATOR JABS, responded the bill said you had to be responding to a hazard.

SENATOR JERGESON, said he was inclined to let the bill get to the Floor and listen to the lawyers argue the merits.

SENATOR STANG, asked if this bill did not require a two-thirds vote.

Connie Erickson, said she would find that out.

SENATOR JERGESON, thought the two-thirds vote only applied to governmental entities.

{Tape : 1; Side : B; Approx. Time Counter : 418; Comments : stopped tape for a couple minutes.}

Vote: Motion carried 8-3 with Mohl, Stang and Toews voting no.

ADJOURNMENT

Adjournment: 4:20 P.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT(his55aad)